

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

THRIVEST SPECIALTY FUNDING, LLC

v.

Civil Action No. 2:18-CV-1877

WILLIAM E. WHITE

**THRIVEST’S REPLY IN FURTHER SUPPORT OF ITS
EMERGENCY MOTION FOR CONTEMPT AND IN RESPONSE TO
THE COURT’S AUGUST 16, 2019 ORDER**

Thrivest Specialty Funding, LLC (“Thrivest”) files this short reply in further support of its Emergency Motion for Contempt (Dkt. 26, filed on July 9, 2019) and in response to the Court’s August 16, 2019 Order (Dkt. 31) to address the argument made by William White in his recent filing (Dkt. 35).

ARGUMENT

White misstates the facts when he suggests that Thrivest is seeking to enforce compliance with the Interim Award of Emergency Relief and the Court’s July 1, 2019 Order through the arbitration. As the exhibits to White’s filing demonstrate, Thrivest is pursuing sanctions for White’s non-compliance with a wholly separate discovery order—the arbitrator’s August 19, 2019 Order directing White to produce certain information and documents. (Dkt. 35-4). After granting Thrivest’s motion to compel compliance with that Order, the arbitrator invited Thrivest to seek sanctions if White did not comply with additional time. (Dkt. 35-5). White ignored that directive and so Thrivest sought sanctions for White’s discovery violation. There is no duplication of proceedings, nor could there be because the arbitrator cannot enforce the Court’s Order—only the Court can.

White offers no legal support for his assertion that the Court should defer to the arbitrator to enforce its July 1, 2019 Order because there is none. Indeed, the Court requested briefing on this issue in another case and the respondent there conceded that Thrivest is right to present the issue here. See Respondent's Brief (Dkt. 42) in Thrivest v. Wright, No. 18-4764 (E.D. Pa.) (recognizing that only the Court, and not the arbitrator, can hold a party in contempt).

White is only seeking further delay. The July 1, 2019 Order confirming the *Emergency* Arbitrator's Interim Award of *Emergency* Relief is now more than two months old. The Court should hold White in contempt to coerce compliance with its injunction, preserving the status quo pending resolution of the arbitration on the merits.

Respectfully submitted,

FOX ROTHSCCHILD LLP

Dated: September 11, 2019

By: /s/ Peter C. Buckley

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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of September, 2019, I caused Thrivest's Reply in Further Support of its Emergency Motion for Contempt and in Response to the Court's August 16, 2019 Order to be filed via the Court's electronic filing system which provides notice to all counsel of record, including:

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